

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

RAFAEL TORMES-ORTIZ  
PETITIONER - APPELLANT  
vs.  
U.S. OF AMERICA  
RESPONDANT

CIVIL #: CV-97-1618(JP)  
CR-88-253(GG)

RE-CERTIFICATE OF APPEALABILITY

APR 26 2007  
CLERK'S OFFICE  
U.S. DISTRICT COURT  
SAN JUAN, P.R.

RECEIVED AND FILED

JURISDICTION

COMES NOW, RAFAEL TORMES-ORTIZ, #3263  
and INDIGENT- PERSUANT TO F.R.A.P. RULE 4 to  
MOVE THIS HON. COURT FOR NOTICE OF APPEAL  
FROM AN ORDER TO DISMISS WITH PREJUDICE BY  
THIS DISTRICT COURT.

IN FURTHERANCE IT IS STATED  
AS FOLLOWS:

1. ON DEC-20<sup>th</sup> 2006 THIS COURT ENTERED JUDGMENT  
-DISMISSING WITH PREJUDICE- PETITIONERS COMPLAINT  
for relief under 28 U.S.C. § 2255. (see exhibit A)
2. ON JANUARY 18<sup>th</sup> 2007 Petitioner  
filed a motion with the Clerk of the Court  
a motion of NOTICE OF APPEAL. In that motion  
Petitioner asks for the U.S. Court of Appeals to appoint  
counsel for Petitioner (SEE EXHIBIT B)
3. ON 4-13-07 PETITIONER RECEIVED A NOTICE-From  
U.S. COURTS OF APPEALS FOR THE FIRST CIRCUIT-

SIGNED by the Chief Deputy Clerk, advising the petitioner that the following must be done by April 20<sup>th</sup> 2007.

- ① That a total of \$455.00 must be paid in accordance with Rule 3(b).
- ② If appellant is indigent and unable to pay for docketing fees, an application to proceed on appeal in forma pauperis must first be filed in the District Court of Puerto Rico.
- ③ That I advise the Court of Appeals a status of the process by April 20-2007.

This Motion is A result of the above stated letter (SEE EXHIBIT C)

4. Many of Petitioners issues ARE OF Constitutional dimension and violations of Petitioners Sixth Amendment.
5. Because Petitioner is not well versed in legal terms and is housed in an institution which Petitioner does not have access to legal assistance, Petitioner was not aware of the Requirements that were addressed in the letter Identified as (exhibit C)

Wherefore, Petitioner Would Move for This Hon. Court to Grant Petitioner a Certificate of APPEALABILITY.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was

mailed this 16<sup>th</sup> day of April 2007  
to the following

Respectfully submitted  
Rafael Torres-Ortiz  
REG # 44128-080  
U.S.P. FLORENCE AD-MAX  
P.O. BOX 8500  
FLORENCE, CO. 81226.

CLERKS OFFICE  
United States District Court.  
For the District of Puerto Rico  
Room 150 FEDERAL BLDG.  
SAN JUAN, PR 00918-1767

Law Offices of  
Peter John Porrata  
Capital Center Bldg.  
South Tower/Suite 602  
239 Arterial Hostos Ave.  
San Juan, P.R. 00918-1476

Maria Dominguez Victoria  
Federico Degetau Federal Building  
150 Carlos Chardon Ave.  
Hato Rey, Puerto Rico 00918